

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORMAJEAN DENNO,

Plaintiff,

vs.

UNITED STATES OF AMERICA; and  
DOES 1-20,

Defendants.

UNITED STATES OF AMERICA,  
Third-Party Plaintiff,

vs.

ISAAC CANNADY,  
Third-Party Defendant.

Case No.: 2:20-cv-01155-TLN-JDP

IN ADMIRALTY

**ORDER DISMISSING ACTION, WITH  
PREJUDICE, WITH MUTUAL WAIVER  
OF FEES AND COSTS**

Fed. R. Civ. P. 41(a)(2)

The parties have filed a stipulation and joint motion to voluntarily dismiss this action, with prejudice, with a mutual waiver of fees and costs, pursuant to Fed. R. Civ. P. 41(a)(2).

On August 16, 2021, the undersigned counsel for plaintiff Normajeane Denno filed a suggestion of death under Fed. R. Civ. P. 25. Normajeane Denno was the only plaintiff in this action. Doug Denno is the sole beneficiary to the former plaintiff's estate. Pursuant to Fed. R. Civ. P. 25(a)(3), the United States caused the Statement of Fact of Death to be personally served

1 on Doug Denno on August 25, 2021. Doug Denno has since advised the undersigned former  
2 counsel for Normajean Denno that he will not file a motion for substitution under Fed. R. Civ. P.  
3 25(a)(1) and will not pursue further legal action against the United States relating to the  
4 allegations in this case. Third-party defendant Isaac Cannady has not appeared in this action.

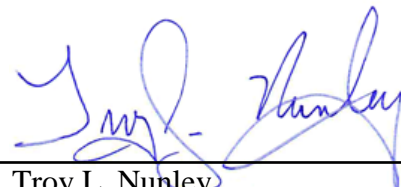
5 Thereafter, the undersigned counsel for former plaintiff Normajean Denno contacted the  
6 undersigned counsel for the United States, and proposed a joint motion to the Court for an Order  
7 dismissing this action, with prejudice, with each side to bear its own fees and costs. The United  
8 States agreed with this proposal.

9 The parties stipulated to and respectfully requested an Order dismissing this action, with  
10 prejudice, with each side to bear its own fees and costs, pursuant to Fed. R. Civ. P. 41(a)(2). This  
11 Court has reviewed the submissions of the parties and issues the following Order:

12 **ORDER**

13 IT IS ORDERED that the Motion is hereby GRANTED. This entire action is hereby  
14 dismissed, with prejudice, with each side to bear its own fees and costs. The Clerk of Court is  
15 DIRECTED to close this action.

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17 Dated: October 28, 2021

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20 Troy L. Nunley  
21 United States District Judge  
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